

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

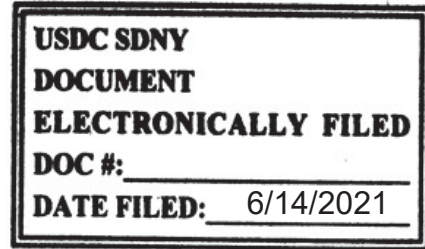
CHASE BANK USA., N.A.,

*Movant,*

v.

M. HARVEY REPHEN & ASSOCIATES,  
P.C.

*Respondent.*



Case No. 1:19-mc-00275-GHW

**~~PROPOSED~~ ORDER OF EXEMPTION NOTIFICATION**

WHEREAS, in this action in the United States District Court for the Southern District of New York between Movant Chase Bank USA, N.A. n/k/a JPMorgan Chase Bank, N.A. (“Movant”) and M. Harvey Rephen & Associates, P.C. (the “Respondent” or the “Rephen Firm”), the Court entered judgment on April 20, 2020 in Movant’s favor and against Respondent in the amount of \$231,441.00, which remains due and unpaid;

WHEREAS, Movant, by and through its attorneys, Dechert LLP, filed a Motion for Turnover of Funds on May 5, 2021 seeking an order for the turnover of funds held by Garnishee JPMorgan Chase Bank, N.A (“Garnishee”) of Respondent’s bank account ending in -9428, pursuant to Federal Rule of Civil Procedure 69(a)(1) and Section 5225(b) of the New York Civil Practice Law and Rules;

WHEREAS, Movant duly issued and served a Restraining Notice Pursuant to N.Y. C.P.L.R. § 5222(b) on Garnishee to restrain the bank accounts of the Rephen Firm on May 7,

2020, and furnished Garnishee with the required Exemption Notice and Exemption Claim Form pursuant to N.Y. C.P.L.R. § 5222-a;

WHEREAS, on May 13, 2020, Garnishee notified the Rephen Firm of the restraint of Respondent's bank accounts, including the account ending in -9428, and provided the Rephen Firm with the required Exemption Notice and Exemption Claim Form pursuant to N.Y. C.P.L.R. § 5222-a;

WHEREAS, neither Movant nor Garnishee received an executed Exemption Claim Form from Respondent claiming that the funds held in the account ending in <sup>-9428</sup>~~-9248~~ are exempt and cannot be turned over to satisfy the judgment against the Rephen Firm;

WHEREAS, N.Y. C.P.L.R. § 55240 provides that a court overseeing enforcement proceedings can "on its own initiative or the motion of any interested person, and upon such notice as it may require, make an order denying, limiting, conditioning, regulating, extending or modifying the use of any enforcement procedure.").

IT IS on this 14th day of June, 2021,

ORDERED:

June 24

1. The Rephen Firm shall, by ~~May 25~~, 2021, notify this Court and Movant of any exemption to which the funds in the account ending in -9428 are subject, including without limitation the following:

- a. The identities of individuals Respondent claims maintain an adverse <sup>-9428</sup>~~-9248~~ interest in the funds in the account ending in ~~-9248~~; the precise amounts owed to them, and for what purpose; and

b. The identity of any other individual having any claim of interest in the account ending in ~~-9248~~ <sup>-9428</sup>, the precise amounts owed to them, and for what purpose;

2. Respondent's notification shall include, at minimum, the following:

- a. the address and telephone information of purported clients,
- b. all communications with said purported clients regarding their adverse claim to the funds in the account ending in ~~-9248~~ <sup>-9428</sup>;
- c. retainer agreements with individuals the Rephen Firm claims to have an interest in the funds in the account ending in -9428
- d. agreements under which payment of the funds in the account ending in -9428 may be due.

attorney-client privilege      specific

To the extent the Rephen Firm claims ~~confidentiality~~ over the last category of documentation, such information shall be presented to the Court only for *in camera* inspection.

SO ORDERED.

6/14/2021



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Honorable Robert W. Lehrburger  
United States Magistrate Judge